

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ, et al.,

Plaintiffs,

DECLARATION OF
PATRICK BENN

-against-

CITY OF NEW YORK, et al.,

11 Civ. 5845 (LTS)(JCF)

Defendants.

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UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

-against-

CITY OF NEW YORK and NEW YORK CITY
DEPARTMENT OF CORRECTION,

Defendants.

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STATE OF NEW YORK)

:SS:

COUNTY OF QUEENS)

PATRICK BENN, declares pursuant to 28 U.S.C. Code §1746 under penalty of perjury that the following is true and correct:

1. I am the Deputy Commissioner of Fleet and Facilities Administration and Capital Construction of the New York City Department of Correction, a position which I have held since May 2023. My duties and responsibilities include oversight of facilities maintenance, including but not limited to ensuring facilities at Rikers Island meet the requirements of the NYC fire and building codes. I am a licensed NYC engineer. I am certified by the New York City Fire

Department as a fire safety director (F01), fire sprinkler inspector (F12), citywide sprinkler, standpipe (F13), fire guard for impairment, (F01) fire emergency drill conductor (F07).

2. I submit this declaration to the Court on December 12, 2023 pursuant to inquiries from the Court in its Order to Show Cause, dated November 16, 2023.

3. Upon information and belief, the Arson Reduction Housing Unit (“ARHU”), housed in the George R. Vierno Center (“GRVC”), opened on November 13, 2023.

4. GRVC meets all requirements of the New York City fire code for fire suppression systems. Due to the age of the building, sprinklers are not required inside of each cell.

5. GRVC was previously inspected on November 4, 2023, November 5, 2023, November 11, 2023, and November 12, 2023, including the area where the ARHU was to be located. Upon inspection, no unsatisfactory conditions were present.

6. Thereafter, on November 18, 2023, November 19, 2023, November 25, 2023, November 26, 2023, GRVC was again inspected, including the area where the ARHU was to be located. Upon inspection, there were no unsatisfactory conditions present.

7. On November 27, 2023, I personally toured GRVC to confirm fire suppression systems in the facility’s units were operational.

Dated: December 12, 2023
East Elmhurst, New York



DC Patrick Benn